

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES – CT Department – Sri B.N.Subbanna, ACTO, O/o CTO, Produtor Circle – Request for regularization of services and declaration of probation within the normal period in the cadre of ACTO by invoking Rule 16(h) of Andhra Pradesh State & Subordinate Service Rules, 1996 – Orders – Issued.

REVENUE (CT.I) DEPARTMENT

G.O.Rt.No. 1337

Dated: 08.11.2011.
Read the following.

1. Representation dated.21.06.2011 of Sri B.N.Subbanna, ACTO, O/o CTO, Produtor Circle.
2. Govt.Memo No.25377/CT.I(2)/2011, dated.27.06.2011.
3. Hon'ble APAT interim orders dated.30.06.2011 in OA No.5524/2011 filed by Sri B.N.Subbanna, ACTO, O/o CTO, Produtor Circle.
4. Govt.Memo No.25377/CT.I(2)/2011, dated.07.07.2011.
5. CCTs Ref No.DX2/478/2011, dated.12.07.2011.
6. From APPSC Lr.No.1749/DTM/2001, Dt.26.05.2011.

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ORDER:

In the reference 1st read above, Sri B.N.Subbanna, ACTO, O/o CTO, Produtor Circle has filed a representation before the Government stating that he joined as ACTO in the CT Department on 09.03.2005 and passed last departmental test of EO's in his 6th attempt, (from the date of joining the department on 09.03.2005) but beyond three years as the APPSC has not conducted the departmental exams and published the results as per schedule. He requested the Government to regularize his services and declare his probation in the cadre of ACTO w.e.f. 09.03.2005, i.e. from the date of his joining along with all consequential benefits.

2. In the reference 3rd read above, the Hon'ble APAT in its interim orders dated.30.06.2011 in OA No.5524/2011 filed by Sri B.N.Subbanna, ACTO, O/o CTO, Produtor Circle has directed the respondents that "pending disposal of the O.A., there shall be an interim direction to the respondents to consider and pass appropriate orders on the representation of the applicant dated.21.06.2011, keeping in view G.O.Rt.No.101, Rev(CT.I) Dept. dated.21.01.2011, within a period of four weeks from the receipt of a copy of this order."

3. In the reference 5rd read above, the Commissioner of Commercial Taxes has stated that Sri B.N.Subbanna, has joined as ACTO on 09.03.2005. As per rule 16(c) of APS & SS Rules, 1996, the individual has to be on probation for a period of 2 years within a continuous period of 3 years i.e. upto 08.03.2008. As per rule 17(b) of AP S & SS Rules, 1996, extension of probation by the appointing authority shall not exceed one year, whether on duty or otherwise. As per rule 16(e) of APS & SS Rules, 1996, the individual has to pass all the departmental tests as prescribed under rule-9 of AP CT Subordinate Service Rules within the stipulated time of three years i.e. by 08.03.2008. The individual has appeared for the last departmental exam i.e. EO's on 19.10.2008 and the result of the same was declared by APPSC in the month of February, 2009.

4. Every employee recruited to service has to pass the departmental tests within a period of 3 years including extension period of one year U/r 17(b) from

the date of joining as laid down in Rule 16 of the APS & SS Rules. This is subject to the condition that the APPSC has to conduct the prescribed departmental tests as stipulated in the departmental test rules, 1965 i.e. conduct of departmental tests twice a year regularly. Sri B.N.Subbanna, ACTO, O/o CTO, Produtor Circle has passed all the departmental tests beyond the period of 3 years as stipulated.

5. Government, have examined the matter carefully and observe that Sri B.N.Subbanna, ACTO, did not clear all the departmental tests within the prescribed time limit of three years due to delay in conduct of departmental tests by the APPSC. As seen from the Lr. of APPSC in reference 6th read above ordinarily to be notified for the departmental test July, 2007, the APPSC has issued the notification in the month of Aug, 2008; (with 13 months delay), Further, the Exam was conducted in the month of October, 2008; (with 11 months delay) and results were published in the month of Febuary,2009; (with 13 months delay). Had the departmental test been conducted on time i.e. November, 2007 and the results published on time i.e. January, 2008, the individual would have passed the departmental exam within three years from the date of his joining as ACTO i.e. by 08.03.2008. In the above circumstances, it is observed that the delay in passing the test is not due to the fault of the individual but due to delay in conducting of departmental tests by the APPSC. Hence the delay in passing of tests cannot be attributed to the candidate i.e. Sri B.N.Subbanna, ACTO, It is therefore decided to relax rule 16(h) of Andhra Pradesh State and Subordinate Service Rules 1996 in favour of individual by invoking the powers of relaxation conferred under Rule 31 of APS & SS Rules, 1996.

5. Accordingly, under rule 31 of APS & SS Rules, 1996, Government hereby order to relax rule 16(h) of Andhra Pradesh State and Subordinate Service Rules, 1996 in favour of Sri B.N.Subbanna, ACTO and to declare that he shall be deemed to have completed his probation within the normal period of probation in the cadre of ACTO and commenced his probation with effect from 09.03.2005.

6. The Commissioner of Commercial Taxes, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRL.SECRETARY TO GOVERNMENT**

To

The Commissioner of Commercial Taxes, Hyderabad.

Copy to:

The individual through the Commissioner of Commercial Taxes,
Hyderabad.

The Government Pleader for Services (Revenue), APAT., Hyderabad.

// FORWARDED BY ORDER //

SECTION OFFICER